

"(i) the waiver is not offered as part of any advertisement or solicitation:
"(ii) the person does not routinely waive coinsurance or deductible amounts; and
"(iii) the person—

"(I) waives the coinsurance and deductible amounts after determining in good faith that the individual is in financial need;

"(II) fails to collect coinsurance or deductible amounts after making reasonable collection efforts; or

"(III) provides for any permissible waiver as specified in section 1128B(b)(3) or in regulations issued by the Secretary:

"(B) differentials in coinsurance and deductible amounts as part of a benefit plan design as long as the differentials have been disclosed in writing to all beneficiaries, third party payers, and providers, to whom claims are presented and as long as the differentials meet the standards as defined in regulations promulgated by the Secretary not later than 180 days after the date of the enactment of the Health Insurance Portability and Accountability Act of 1996; or

"(C) incentives given to individuals to promote the delivery of preventive care as determined by the Secretary in regulations so promulgated."

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to acts or omissions occurring on or after January 1, 1997.

SEC. 232. PENALTY FOR FALSE CERTIFICATION FOR HOME HEALTH SERVICES.

(a) IN GENERAL.—Section 1128A(b) (42 U.S.C. 1320a-7a(b)) is amended by adding at the end the following new paragraph:

"(3)(A) Any physician who executes a document described in subparagraph (B) with respect to an individual knowing that all of the requirements referred to in such subparagraph are not met with respect to the individual shall be subject to a civil monetary

penalty of not more than the greater of—
"(1) \$5,000, or
"(ii) three times the amount of the payments under title

XVII
I for home health services which are made pursuant to such certification.

"(B)

A document described in this subparagraph is any document that certifies, for purposes of title XVIII, that an individual meets the require

ments of section 1814(a)(2)(C) or 1835(a)(2)
(A)
in the case of home health services furnished
to the individual¹¹
(b) EFFECTIVE DATE. — The amendment made
by subsection (a)
shall apply to certifications made on or after
the date of the enact-
ment of this Act.

42 USC
1320a-
7a note.

42 USC
1320a-
7a note.